

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

RAYMOND L. GEARHART,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 06-3074-CV-S-RED-H
	)	
JOSEPH E. GUNJA, Warden, <sup>1</sup>	)	
United States Medical Center for	)	
Federal Prisoners,	)	
	)	
Respondent.	)	

**REPORT AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner has filed a Petition for Writ of Habeas Corpus, in which he appears to be challenging his commitment under 4246, Title 18, United States Code. See *United States v. Raymond Gearhart*, 05-3193-CV-S-DW.

By order of the United States District Court for the Western District of Missouri, the defendant was ordered committed to the custody of the Attorney General under the provisions of 18 U.S.C. § 4246 (Case No. 05-3193, Docs. 10 and 13). That commitment was affirmed by the United States Court of Appeals for the Eighth Circuit in June of 2006 (Case No. 05-3193, Doc. 17). The instant petition was filed while this matter was pending before the Court of Appeals. No further relief is appropriate in this matter. Nothing in this recommendation would prejudice the defendant's right to seek relief under 18 U.S.C. § 4247(g).

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local

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<sup>1</sup> The current warden is the proper respondent in this case.

Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that the petition filed herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England

**JAMES C. ENGLAND, CHIEF  
UNITED STATES MAGISTRATE JUDGE**

Date:January 5, 2007